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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/413,003	10/05/1999	TETSUYA AKIYAMA	10873.446US0	1391

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EXAMINER

HUBER, PAUL W

ART UNIT	PAPER NUMBER
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2653

DATE MAILED: 08/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/413,003

Applicant(s)

AKIYAMA ET AL.

Examiner

Paul Huber

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

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The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1, 2, 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maeda (USP-5,485,452) considered with Miyagawa et al. (Re. 36,445).

Maeda discloses a reproducing apparatus for an optical information recording medium 1 having a plurality of recording layers. See figures 5-7. The reproducing apparatus includes a plurality of optical heads 11a, 11b provided on a same side with respect to the recording medium 1, and the plurality of optical heads 11a, 11b are assigned to reproduce information from different recording layers respectively and simultaneously so as to enable high-speed information transfer. See abstract.

Maeda discloses the invention as claimed, but fails to specifically teach that the plurality of optical heads 11a, 11b are further assignable to record information from different recording layers respectively and simultaneously so as to enable high-speed information transfer. However, Miyagawa et al. discloses an optical recording/reproducing apparatus including a plurality of lasers for simultaneously

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reproducing/recording information from/on two tracks on a recording medium, in the same field of endeavor, for the purpose of doubling the reproducing or recording transfer speed. See col. 16, lines 7-15.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Maeda such that the plurality of optical heads 11a, 11b are further assignable to record information respectively and simultaneously so as to enable high-speed information transfer as claimed and as taught by Miyagawa et al.. A practitioner in the art could have been motivated to do this for the purpose of recording information on the recording medium 1 as well as reproducing information therefrom at a improved data transfer rate.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Maeda and Miyagawa et al., as applied to claim 2, in further view of Gage et al. (USP-5,796,688).

Maeda, as modified above and applied to claim 2, discloses the invention as claimed, but fails to specifically teach that the plurality of optical heads 11a, 11b are placed on a single carrier table. However, Gage et al. discloses a recording/reproducing apparatus including a plurality of optical heads placed on a single carrier table (see figure 3), in the same field of endeavor, for the purpose of simplifying the apparatus through use of only a single carrier table for both optical heads.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the invention of Maeda such that the optical heads 11a, 11b are placed on a single carrier table as claimed and as taught by Gage et al.. A practitioner in the art would have been motivated to do this for the purpose of simplifying the apparatus through use of only a single carrier table for both optical heads.

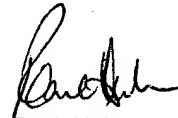
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kanda, Kasami et al., and Mizutani et al. each disclose an optical head for simultaneously irradiating a plurality of recording layers on a recording medium.

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

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Any inquiry concerning this communication should be directed to Paul Huber at telephone number 703-308-1549.



Paul Huber
Primary Examiner
Art Unit 2653

pwh
August 4, 2004